IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3745 OF 2007

Shri Bhika Shankar Chaudhari. ..Petitioner.

V/s.

Shri Raghunath Pitambar Badgujar. ..Respondent.

Mr.D.S.Sapkale for petitioner.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 4, 2007.

P.C. :

1. Heard counsel for the petitioner. I see no reason to depart from the conclusion reached by the Court below on the findings recorded in paragraphs- 6 and 7 of the impugned Judgment that the application for condonation of delay was bereft of any explanation, much less to explain the inordinate delay of 8 months and 10 days. No material has been produced before me to doubt the correctness of the inference drawn by the lower Court that there was reason to believe that the petitioner was aware of the pendency of the suit. He had also filed written statement.

2. Copy of the application, which was filed before the lower Court for condonation of delay has

not been placed record. In the absence of copy of that application, I am not in a position to accept the criticism with regard to the finding of fact recorded by the lower Court as noticed from paragraph-6 of the impugned Judgment. No interference is warranted.

3. Hence dismissed.